

REMARKS

Claims 1, 2, 4-7 and 10-15 are all the claims pending in the application.

Claims 1, 2, 4 and 14 have been editorially amended to delete unnecessary descriptive language.

Claims 5, 6, 10 and 12 have been editorially amended to recite that the labeled compound is in fact a compound and a not a composition of matter.

Use claims 7, 11 and 13 have been editorially amended to method claims.

New claim 15 has been added to claim a composition of the compound of any of claims 5, 6, 10 or 12. Support for new claim 15 is found, for example, in the paragraph bridging pages 36 and 37 of the specification.

Accordingly, no new matter is added and entry of the amendments is requested.

The Examiner required that Applicants elect a species by responding to a) to d), respectively:

a) one of the following: (i) a compound *per se*, or (ii) a composition which contains a "first" compound that falls within the scope of claim 1 in combination with a "second" compound or other material;

b) one of the following: (i) the compound falling within the scope of claim 1 is labeled with a metal ion, or (ii) the compound falling within the scope of claim 1 is not labeled with a metal ion;

c) in the event that the compound falling within the scope of claim 1 is labeled with a metal ion, which metal ion is it, and which isotope is it?

d) in the event that a composition is elected (rather than a compound per se), what are the contents of the other compounds present that make the composition a composition (rather than a pure compound). . .?

In response, Applicants elect Peptide 6 in Example 1 (page 40), i.e., formyl-Nle-Leu-Phe-Nle-Tyr-Lys (NH₂) - ε - (-Ser-D-Arg-Asp-Cys-Asp-Asp), wherein the peptide is labeled with a metal ion. The metal ion is a radioactive metal, and the specific isotope is Tc-99m. The election is made without traverse.

The claims readable on the elected species are claims 6 and 15.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT AND RESPONSE
TO ELECTION OF SPECIES
U.S. PATENT APPLICATION NO.: 10/528,771

Attorney Docket No.: Q86824

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

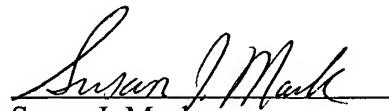
Respectfully submitted,

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